

Remarks

Claims 1-20 are pending in the application. Claims 6-16 were rejected and claims 1-5 and 17-20 were withdrawn in response to a restriction requirement. By this Amendment, claims 6 and 12-14 have been amended. Reconsideration of the claims is respectfully requested. No new matter has been added.

Rejection Under 35 U.S.C. § 112

Claims 6-16 were rejected under § 112, second paragraph, as being indefinite. Claim 6 has been amended to more clearly recite a conduit. Claims 13 and 14 have been amended to provide antecedent basis for “the mating portion.” Claims 11 and 12 have not been amended since Applicants believe these claims are not indefinite. Claim 11 recites an embodiment of a tool holder assembly with proper antecedent basis and terminology that is consistent with the specification. An example of the embodiment recited in claim 11 is shown in Figure 3H. Similarly, claim 12 recites an embodiment of a tool holder assembly with proper antecedent basis and terminology that is consistent with the specification. An example of the embodiment recited in claim 12 is shown in Figure 3G. As such, Applicants believe that the rejection of these claims has been overcome.

Rejection Under 35 U.S.C. § 102

Claims 6-8, 15 and 16 were rejected under § 102(b) as being anticipated by U.S. Patent No. 5,593,258 issued to Matsumoto et al. (hereinafter “Matsumoto ‘258”). Applicants respectfully believe that a *prima facie* case has not been established for the following reasons.

Independent claim 6 recites “an adjustment screw having a threaded body section adapted to engage the threaded interior section [of a conduit] and a flange section having a larger diameter than the threaded body section, the threaded body and flange sections defining an internal fluid passage disposed coaxially with the conduit.” In the Office Action, the Examiner stated that clamping means 15 was a screw, elastic member 16 was “threads” of the adjustment screw (for the purposes of this response, Applicants will presume that the

Examiner is designating “threads 16” as a threaded body section of an adjustment screw), and that “reference number 35 of figure 4” was a flange section (see Office Action, page 3). Applicants note the following deficiencies in the Examiner’s statements.

First, clamping means 15 is not an adjustment screw in accordance with the specification of the claimed invention. Rather, clamping means 15 merely “removably couples the subholder 9 with the main sleeve 1” (see column 5, line 5). In other words, clamping means 15 is a coupling and not an adjustment screw for adjusting the position of a tool as is known by those skilled in the art.

Second, elastic member 16 is not a threaded body section of an adjustment screw. Indeed, Matsumoto ‘258 discloses that elastic member “is formed by a plurality of incompressible rings 16a” that are separate components from clamping means 15 (see Figure 1). Moreover, Matsumoto ‘258 is silent regarding any threads associated with elastic member 16. Therefore, elastic member 16 is not a threaded body section of an adjustment screw since it is not threaded and not a section or portion of an adjustment screw.

Third, Matsumoto ‘258 does not disclose any reference number 35, which was called a flange section of the adjustment screw by the Examiner. For this reason alone, a *prima facie* case has not been established since no feature that is actually present in the Matsumoto ‘258 was distinctly pointed out as being a flange section.

Independent claim 6 also recites “a sealing portion configured to inhibit fluid leakage between the flange section and the end surface.” In the Office Action, the Examiner pointed to column 3, lines 22-24 as the only support for a sealing portion (see Office Action, page 3). The cited passage does not disclose or remotely suggest a sealing portion. Rather, the paragraph that includes the cited passage describes “a clamping means for a tool holder” (see column 3, lines 15-22) and is silent regarding any sealing portion or inhibiting fluid leakage. Indeed, there is absolutely no disclosure of any sealing portion that inhibits fluid

leakage between a flange section of an adjustment screw and an end surface of a tool as recited in claim 6.

For these reasons, Applicants believe that a *prima facie* case has not been established for the rejection of claim 6. Since claims 7, 8, 15 and 16 depend on claim 6, a *prima facie* case has not been established for the rejection of these claims for the same reasons.

Claims 6-8, 10 and 15 were rejected under § 102(b) as being anticipated by U.S. Patent No. 5,004,382 issued to Yoshino (hereinafter "Yoshino '382"). Applicants respectfully believe that a *prima facie* case has not been established. In particular, the arguments presented by the Examiner do not coincide with the disclosure of Yoshino '382. A summary of the designations made in the Examiner's arguments (see Office Action, page 4) and the actual disclosure of Yoshino '382 is summarized in the following table:

Designation by Examiner	Yoshino '382
"Bore 7"	"Seal bearing 7" (column 3, line 24)
"Threaded interior section 7a, 7b"	There is no reference number 7a or 7b
"Threaded body section 11a"	There is no reference number 11a
"Flange section 12"	"Cutting bit 12" (column 3, line 46)
"Counterbore 23 or 22 or 20"	"Air compressor 23" (column 4, line 6) "Spraying nozzle 22" (column 4, line 11) "Atomizing means 20 for producing atomized water" (column 3, lines 63-64)
"Cutting tool 25"	"Water supply means 25" (column 4, lines 2-3)
"Sealing portion 16, 18, 19 or 32"	"Thread means 16" (column 3, lines 49-50) There is no reference number 18 or 19 "Ring-like cutting bit 32" (column 5, line 43)
"Flange section 12"	"Cutting bit 12" (column 3, line 37)
"Recessed portion 20"	"Atomizing means 20 for producing atomized water" (column 3, lines 63-64)

Clearly, Yoshino '382 does not disclose each and every element of the claimed invention since it even fails to disclose all the features recited in the Examiner's arguments. As such, a *prima facie* case has not been established and Applicants respectfully request that this rejection be withdrawn.

Conclusion

Applicants have made a genuine effort to respond to the Examiner's objections and rejections in advancing the prosecution of this case. Applicants believe all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

JAMES PERRY et al.

By 

Matthew M. Mietzel

Reg. No. 46,929

Attorney for Applicant

Date: January 26, 2006

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351